

As you are well aware, digital television is a technology that is slowly evolving. Congress seems anxious to get digital television deployed rapidly, but consumers have been slow to accept it. Encumbering broadcasts with a "copy flag" of any sort, and then requiring televisions and receivers to honor such a flag, can only lead to slower consumer adoption. Consumers have had the ability to time-shift and space-shift audio and video broadcasts for years. Mandating technical restrictions upon this ability will not only retard the adoption process, it will lead to a great consumer revolt. You can expect the courts to be filled with cases regarding this matter.

There are other obvious problems with mandating technical restrictions upon consumers and electronics manufacturers. One problem is that there will certainly be hacks readily available, similar to the "black box" cable television descramblers or the mod-chips for video game consoles. By outlawing rights that consumers have taken for granted for years, you will in effect be creating a black market for bypass devices. Expect this black market to flourish, with the only recourse being to start imprisoning Americans whose crime was watching a program on a device other than what was approved by Hollywood. (Perhaps new prison construction should begin immediately after passage of this incredibly flawed rule. Better build a lot of prisons to accomodate us all.)

Another problem is that once the technology is mandated, you can expect to see plenty of lawsuits regarding the restrictions of consumer rights. If (as appears likely) the courts or Congress eventually reaffirm consumer rights to time-shift and space-shift digital programming, consumers will be required to purchase new equipment which does not have the draconian restrictions built-in.

The digital broadcast flag is a flawed attempt by "content-producers" to restrict the activities of consumers once content has been purchased. It is a very one-sided approach to resolving supposed "piracy" concerns, without involving all concerned parties. It does not address the problems that the true "pirates" pose. It does not allow the marketplace to determine which technologies to adopt. And it does not benefit anyone other than content-providers. (If it was beneficial to consumers, you would see consumer adoption without these technical regulations.)

As a law-abiding consumer of audio and video entertainment, I am notifying you that passage of this proposed rule should not occur. If the FCC truly does represent American citizens, then I expect to see this proposed rule soundly rejected. Members of Hollywood may have lots of lobbying money to float around. But each still only has a single vote. Remember the impact of those votes when attempting to decide whether to side with the lobbyists, or with the citizenry.